

HOUSE No. 1655

By Mr. Kujawski of Webster, petition of Paul Kujawski for legislation to improve competition in the furnishing of materials for use in certain public contracts. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO IMPROVE COMPETITION IN THE FURNISHING OF MATERIALS FOR USE IN CERTAIN PUBLIC CONTRACTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Subparagraph (b) of section thirty-nine M of chapter thirty is
2 hereby amended by striking the last sentence and inserting in
3 place thereof the following sentence:—
4 For each item of material the specifications shall provide either
5 a minimum of three named brands of material or a generic
6 description of material which can be met by a minimum of three
7 manufacturers or producers, whose names and model numbers
8 shall be stated in the specifications or in an addendum when any
9 bidder requests same in writing within a reasonable time prior to
10 the bid opening date and for the equal of any one said named or
11 described materials; and no material submitted for approval as the
12 equal of a brand named in the specifications shall be rejected for
13 failing to meet a characteristic or requirement not explicitly stated
14 in the description of material in the specifications.
15 This amendment shall apply to any contract awarded pursuant
16 to an invitation for bids issued subsequent to its effective date.